

VOTING RIGHTS ACT REVIEW OF REVISED PLAN

**NEW YORK CITY DISTRICTING COMMISSION
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Complying with the Voting Rights Act

- Voting in New York City is usually polarized between protected minority voters (Black, Hispanic, and Asian voters) and white voters, especially in Democratic primaries.
- Because voting is polarized, districts that offer minority voters an opportunity to elect their candidates of choice must be drawn or, if such districts already exist, as they do in NYC, they must be maintained in a manner that continues to provide minority voters with an opportunity to elect their preferred candidates.
- A district-specific, functional analysis is required to determine if proposed districts will provide minority voters with the ability to elect minority-preferred candidates to office. The analysis should not rest solely on the demographic composition of the district – a “functional” analysis requires an analysis of likely electoral outcomes.

Recompiled Election Results

- Because no elections have occurred under the proposed district boundaries, the election results from previous contests that included minority-preferred candidates are used.
- “Bellwether elections” are identified based on the racial bloc voting analysis. Bellwether elections are elections in which minority voters preferred a specific minority candidate and white voters may not have supported this candidate:
 - 2021 Democratic primary for Mayor:
 - Black voters supported Eric Adams
 - Asian voters supported Andrew Yang
 - Hispanic voters supported Eric Adams or Maya Wiley, depending on the borough
 - 2021 Democratic primary for Bronx Borough President:
 - Black voters supported Vanessa Gibson
 - Hispanic voters supported Fernando Cabrera
 - 2021 Democratic primary for Brooklyn Borough President:
 - Hispanic voters supported Antonio Reynoso
 - 2021 Democratic primary for Queens Borough President:
 - Black voters supported Donovan Richards

Identifying Minority Opportunity Districts

- Focus on all districts with a "significant" Black, Hispanic, or Asian population, considered separately. (Significant = one of the minority groups comprises a majority or plurality of the voting age population.)
- Establish if the district under the current plan constitutes an "opportunity district" by ascertaining if the minority group in question has been successful in electing their candidates of choice to city council.
- Determine if the proposed district in the revised plan will continue to provide minority voters with an opportunity to elect their candidates of choice by comparing (1) the demographic composition of the current and proposed district and (2) the recompiled election results for the bellwether elections.
- If the minority-preferred candidates in the bellwether elections perform approximately as well in the proposed district as they did in the current opportunity district, and the composition of the district did not change dramatically, the proposed district is very likely to remain a minority opportunity district.

Manhattan

Manhattan Districts with Significant Black Populations

- Revised Plan retains 1 majority Black district (**District 9**), equally effective in current plan and Revised Plan (based on votes for Adams). (Effective district = minority opportunity district)

District 9	BVAP (DOJ)	BVAP	BCVAP	Votes for Adams
Revised Plan	50.9	49.8	56.8	36.5
Current Plan	50.6	49.6	56.7	36.6

Manhattan Districts with Significant Hispanic Populations

- Revised Plan retains 2 majority Hispanic districts (Districts 8 and 10):
 - **District 8** HVAP decreased from 59.4 to 53.4 but remains majority HVAP and HCVAP and Hispanic-preferred candidate Adams still carries the district, so it remains effective.
 - **District 10** is equally or more effective in Revised Plan.

District 8	HVAP	HCVAP	Votes for Adams
Revised Plan	53.4	51.2	34.8
Current Plan	59.4	56.1	37.1

District 10	HVAP	HCVAP	Votes for Adams
Revised Plan	64.2	62.1	36.5
Current Plan	64.2	62.2	26.0

- **District 7** is plurality HVAP (39.6) in current plan and elected a Hispanic-preferred Hispanic candidate. It is plurality WVAP in Revised Plan (HVAP decreased to 32.8; WVAP increased from 29.4 to 36.9). However, voting was not polarized between Hispanics and whites in 2021 or 2017 Democratic primaries (both groups supported current Hispanic incumbent in 2021).

Bronx

Bronx Districts with Significant Black Populations

- Revised Plan retains 1 majority Black district (**District 12**), equally effective in current plan and Revised Plan (based on votes for Adams, Gibson).

District 12	BVAP (DOJ)	BVAP	BCVAP	Votes for Adams	Votes for Gibson
Revised Plan	64.7	63.9	65.5	58.1	57.2
Current Plan	66.2	65.5	67.1	58.4	57.8

Bronx Districts with Significant Hispanic Populations

- Retains 5 majority Hispanic districts:
 - Three are equally effective (**Districts 14, 15, 17**) in current plan and Revised Plan (based on vote for Cabrera).
 - **District 16** HVAP increased from 59.5 to 61.7 (HCVAP now 57.3). District is a Black opportunity district but the slight increase in HVAP, accompanied by a slight increase in votes for Cabrera (although Gibson still carries the district), indicates that this district may evolve into a Hispanic opportunity district.
 - **District 18** HVAP decreased from 54.3 to 51.8 but HCVAP is 53.8 and the vote for the Hispanic-preferred Hispanic candidate for Borough President (Cabrera) changes only minimally (from 29.1 to 28.9) between current plan and Revised Plan so it remains a Hispanic opportunity district.

District 14	HVAP	HCVAP	Votes for Cabrera
Revised Plan	71.8	69.0	55.8
Current Plan	72.4	69.6	56.6

District 15	HVAP	HCVAP	Votes for Cabrera
Revised Plan	64.4	62.9	43.2
Current Plan	62.5	59.7	42.9

District 16	HVAP	HCVAP	Votes for Cabrera
Revised Plan	61.7	57.3	27.8
Current Plan	59.5	57.0	25.2

District 17	HVAP	HCVAP	Votes for Cabrera
Revised Plan	65.4	64.4	32.6
Current Plan	64.3	63.2	33.2

District 18	HVAP	HCVAP	Votes for Cabrera
Revised Plan	51.8	53.8	28.9
Current Plan	54.3	56.2	29.1

Bronx Districts with Significant Hispanic Populations (cont.)

- Revised Plan retains two plurality Hispanic districts:
 - **District 11**, which is 42.6 HVAP in current plan is 40.4 HVAP in Revised Plan. It was not a Hispanic opportunity district – the white candidate elected was not preferred by Hispanic voters.
 - **District 13** changed only marginally from current plan. It is a Hispanic opportunity district in current plan – the Hispanic candidate elected was supported by Hispanic and white voters. It remains an effective district under Revised Plan (Cabrera easily carries the district).

District 11	HVAP	HCVAP	Votes for Cabrera
Revised Plan	40.4	37.2	32.1
Current Plan	42.6	39.6	32.7

District 13	HVAP	HCVAP	Votes for Cabrera
Revised Plan	42.8	44.4	37.0
Current Plan	42.1	43.8	36.7

Queens

Queens Districts with Significant Black Populations

- Revised Plan retains 2 majority Black districts (**Districts 27 and 31**), both of which are equally effective in current plan and Revised Plan (based on vote for Adams, Richards).

District 27	BVAP (DOJ)	BVAP	BCVAP	Votes for Adams	Votes for Richards
Revised Plan	62.5	61.9	75.3	65.2	71.9
Current Plan	64.5	63.9	77.2	65.1	72.0

District 31	BVAP (DOJ)	BVAP	BCVAP	Votes for Adams	Votes for Richards
Revised Plan	64.2	63.5	70.4	65.2	77.5
Current Plan	64.5	63.8	70.8	65.5	77.8

Queens Districts with Significant Black Populations (cont.)

- Revised Plan retains 1 plurality Black district (**District 28**). The BVAP increased from 37.8 to 45.6 in Revised Plan. Votes for Black-preferred candidates also increased (votes for Adams, Richards). This Black opportunity district is likely to be more effective as redrawn in Revised Plan.

District 28	BVAP (DOJ)	BVAP	BCVAP	Votes for Adams	Votes for Richards
Revised Plan	45.6	45.2	56.2	57.3	66.0
Current Plan	37.8	37.5	48.5	53.2	61.9

Queens Districts with Significant Hispanic Populations

- Revised Plan retains 1 majority Hispanic district (**District 21**), equally effective in current plan and Revised Plan (vote for Adams).

District 21	HVAP	HCVAP	Votes for Adams
Revised Plan	73.1	61.9	41.1
Current Plan	72.8	61.4	40.1

Queens Districts with Significant Asian Populations

- Revised Plan retains 1 majority Asian district (**District 20**), equally effective in current plan and Revised Plan.

District 20	AVAP (DOJ)	AVAP	ACVAP	Votes for Yang
Revised Plan	72.6	72.3	57.4	48.7
Current Plan	72.5	72.2	56.8	48.8

- Retains 4 plurality Asian districts:
 - **Districts 23, 24 and 26** retain comparable AVAP and votes for Yang. Districts 23, 24, and 26 are Asian opportunity districts – all three elected Asian voters’ preferred candidates (although District 24 elects a white candidate, he was preferred over other Asian candidates by Asian voters). They remain opportunity districts in Revised Plan.
 - Although **District 25** has a higher Asian VAP than Districts 24 and 26, Asian voters in this district were not able to elect their preferred candidate in 2021 – the Asian candidate elected is NOT the Asian-preferred Asian candidate. This district is not an Asian opportunity district. The AVAP decreased from 45.1 in current plan to 42.5 in Revised Plan; votes for Yang decreased from 26.3 to 22.9.

Queens Districts with Significant Asian Populations (cont.)

District 23	AVAP (DOJ)	AVAP	ACVAP	Votes for Yang
Revised Plan	44.2	43.7	40.3	23.4
Current Plan	44.0	43.6	39.6	22.9

District 24	AVAP (DOJ)	AVAP	ACVAP	Votes for Yang
Revised Plan	37.7	36.6	31.2	26.9
Current Plan	37.4	36.5	31.1	27.8

District 25	AVAP (DOJ)	AVAP	ACVAP	Votes for Yang
Revised Plan	42.5	42.1	39.2	22.9
Current Plan	45.1	44.7	41.6	26.3

District 26	AVAP (DOJ)	AVAP	ACVAP	Votes for Yang
Revised Plan	33.5	32.8	24.9	17.2
Current Plan	32.2	31.5	23.9	17.0

Brooklyn

Brooklyn Districts with Significant Black Populations

- Revised Plan retains 6 majority Black districts, and all remain effective (**Districts 36, 40, 41, 42, 45, 46**)
 - **District 36** has a BVAP of only 49.5 but the BCVAP is 57.0 in the Revised Plan
 - **District 46** decreased BVAP from 54.5 in current plan to 50.5 in Revised Plan but Adams still easily carries the district (55.5 in current plan and 54.2 in Revised Plan)

District 36	BVAP (DOJ)	BVAP	BCVAP	Votes for Adams
Revised Plan	49.5	48.3	57.0	37.4
Current Plan	50.2	49.1	58.0	38.6

District 40	BVAP (DOJ)	BVAP	BCVAP	Votes for Adams
Revised Plan	50.5	49.6	56.9	44.1
Current Plan	48.7	47.9	54.6	40.4

Brooklyn Districts with Significant Black Populations (cont.)

District 41	BVAP (DOJ)	BVAP	BCVAP	Votes for Adams
Revised Plan	71.9	70.9	77.6	67.8
Current Plan	71.9	70.9	77.9	68.2

District 42	BVAP (DOJ)	BVAP	BCVAP	Votes for Adams
Revised Plan	65.2	64.5	74.6	71.0
Current Plan	66.0	65.2	74.7	71.4

District 45	BVAP (DOJ)	BVAP	BCVAP	Votes for Adams
Revised Plan	60.3	59.6	64.8	63.6
Current Plan	61.7	61.0	66.7	65.0

District 46	BVAP (DOJ)	BVAP	BCVAP	Votes for Adams
Revised Plan	50.5	50.0	50.9	54.2
Current Plan	54.5	54.0	54.8	55.5

Brooklyn Districts with Significant Hispanic Populations

- Revised Plan retains 1 majority Hispanic district (**District 37**), which is a Hispanic opportunity district and may be more a slightly more effective one in the Revised Plan (based on votes for Reynoso).

District 37	HVAP	HCVAP	Votes for Reynoso
Revised Plan	50.3	45.5	33.1
Current Plan	50.3	45.0	30.5

Brooklyn Districts with Significant Asian Populations

- Revised Plan creates new majority Asian opportunity district. **District 43** is 55.0 AVAP and Yang carries the district easily with 50.6 % of the vote.

District 43	AVAP (DOJ)	AVAP	ACVAP	Votes for Yang
Revised Plan	55.0	53.9	48.5	50.6

- District 38** is a plurality Asian district in current plan but elected a Hispanic-preferred Hispanic candidate (not supported by Asian voters). Revised Plan retains the same HVAP but decreased the AVAP and increased the WVAP. The current Hispanic incumbent was supported by both Hispanic and white voters in the 2021 Democratic primary. In 2017, the winning Hispanic candidate was also supported by Hispanic and white voters (but not by Asian voters).

District 38	AVAP (DOJ)	AVAP	HVAP	WVAP
Revised Plan	32.2	31.5	35.2	26.5
Current Plan	41.0	40.6	35.1	18.1

Staten Island

- Revised Plan retains 1 combined majority minority district with BVAP, HVAP, and AVAP percentages very close to current plan.

District 49	BVAP (DOJ)	BVAP	HVAP	AVAP (DOJ)	AVAP	WVAP
Revised Plan	24.0	23.3	30.1	11.7	11.3	31.5
Current Plan	23.8	23.1	29.9	12.3	11.9	31.4

Conclusion

In my expert opinion, the Revised Plan complies with the Voting Rights Act by maintaining the voting strength of ***Black and Hispanic voters*** at a comparable level to the current plan and increasing the number of districts that offer ***Asian voters*** – the fastest growing minority group in New York City – an opportunity to elect their candidates of choice.